IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 18409 of 2004

Between:

Andhra Pradesh Forest Development Corporation Workers Union, Regd. No.C-937, (Affiliated to AITUC),
Kavali, Nellore Dist, A.P. , rep. by its General Secretary, M. Venkateshwarlu, S/o. Ramaiah,
47 Years, R/o. H.No.10-57-72A, Indiranagar, Kavali,

Nellore District. A.P.,

..... PETITIONER

AND

1 A.P. Forest Development Corporation Ltd., (A Govt of A.P.,

Undertaking), Kavali Division,
Kavali, Nellore District, A.P., rep. by its Divisional Manager.
2 A.P. Forest Development Corporation, Nellore Region, rep. by its

Regional Manager, Regional Office,
Pinakini Vanavihar, Opposite to Nippo Factory, Nellore, A.P.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue an appropriate writ or order or direction under Article 226 of the constitution of India, particularly one in the nature of Writ of Mandamus, declaring the proceedings issued by the first respondent herein in Ref. No.1.10.01/2004/578, Dt. 3.9.2004

served on 4-10-2004 as unjust, illegal arbitrary and violation of Article -14 and 16 of the Constitution of India, after calling for the records and to pass.

Counsel for the Petitioner:MR.NUTHALAPATI KRISHNA MURTHY, Advocate

Counsel for the Respondents.: MR.P.SREE RAMULU NAIDU, Advocate

The Court at the stage of admission made the following :

O R D E R:

The petitioner is seeking to declare that the proceedings of the first respondent dated 3-9-2004 served on the petitioner on 4-10-2004 as unjust, illegal and arbitrary, and violation of Article 14 and 16 of the Constitution of India.

The persons covered by the impugned proceedings are members of the petitioner Union. The petitioner contends that though the first respondent deputed the Plantation Watchers as mentioned in the impugned order, there is no mention that they are entitled for the deputation allowance as per the memorandum of understanding between the management and the unions dated 9-11-2001. Though the petitioner is challenging the impugned order on the ground that the first respondent has no competency to depute the Plantation Watchers to other divisions, it is seen from the impugned order that the first respondent was directed by the Regional Manager, Nellore by a letter dated 20-7-2004 for deputation of Plantation Watchers to Naidupet and Satyavedu Divisions. Therefore, the objection of the petitioner regarding the competency of the first respondent in ordering deputation of the Plantation Watchers under the impugned order cannot be sustained.

Regarding the grievance of the petitioner for deputation allowance, the second respondent is directed to issue necessary instructions for payment of the deputation allowance along with monthly salary in pursuance of clause 9 of the memorandum of settlement between the management and the unions dated 9-11-2001, if it is in force as on today.

Accordingly, the Writ Petition is disposed of at the stage of admission. No costs.

8th October, 2004.

Note:

CC on Monday.

B/O

Mrb

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 A.P. Forest Development Corporation Ltd., (A Govt of A.P.,

Undertaking), Kavali Division,
Kavali, Nellore District, A.P., rep. by its Divisional Manager.

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